

Message Text

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PAGE 01 STATE 063434
ORIGIN AF-10

INFO OCT-01 ISO-00 L-03 CPR-01 SS-15 /030 R

DRAFTED BY AF/W:DVKILLION:JZ
APPROVED BY AF/W:TWMSMITH
S/CPR:RGOOKIN
L/M:KMALMBORG

-----079997 112321Z /63

P 112303Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BANJUL PRIORITY
AMEMBASSY DAKAR PRIORITY

C O N F I D E N T I A L STATE 063434

STADIS/////////
DAKAR FOR AMBASSADOR, FROM AF/W AND S/CPR

E.O. 11652:GDS

TAGS: PDIP, GA

SUBJECT:ACCREDITATION OF GAMBIAN AMBASSADOR TO US

REFS: (A) BANJUL 277, (B) BANJUL 195, (C) 77 STATE 278052

1. DEPARTMENT HAS NOW RECEIVED FORMAL NOTE REQUESTING FOREIGN MINISTER L. K. JABANG'S ACCREDITATION AS AMBASSADOR TO THE U.S., RESIDENT IN BANJUL. WE ASSUME GOTG IS ALREADY COMMITTED TO ACCREDITATION OF FOREIGN MINISTER, AND ARE PREPARED TO BEGIN PROCESSING THE REQUEST FOR AGREEMENT.

2. BEFORE WE COMPLETE PROCESSING OF THE REQUEST, WE BELIEVE GOTG SHOULD BE MADE AWARE OF SOME REMOTE, BUT NEVERTHELESS THEORETICALLY POSSIBLE, PROBLEMS IN THE ACCREDITATION OF FOREIGN MINISTER AS AMBASSADOR. YOU
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 STATE 063434

SHOULD FIND CONVENIENT OPPORTUNITY TO MAKE THE FOLLOWING POINTS TO THE APPROPRIATE LEVEL OF THE GOTG.

--WE ARE VERY PLEASED THAT THE GOTG HAS DECIDED TO ACCREDIT AN AMBASSADOR TO WASHINGTON. WE HAVE BEGUN TO PROCESS THEIR REQUEST FOR AGREEMENT.

--INTERNATIONAL LAW DOES NOT RPT NOT PRECLUDE APPOINTMENT OF FOREIGN MINISTER AS AMBASSADOR, ALTHOUGH IT IS UNUSUAL AND WE CAN FIND NO RECENT PRECEDENT FOR SUCH ACCREDITATION TO U.S.

--ON OCCASIONS IN WHICH HE IS CLEARLY ACTING IN HIS CAPACITY AS AMBASSADOR, HE WOULD BE REGARDED FROM POINT OF VIEW OF PROTOCOL AS AN AMBASSADOR AND NOT A FOREIGN MINISTER.

--ON THE OTHER HAND, IT IS NOT CERTAIN THAT IN ALL CASES COURTS WOULD UPHOLD HIS ENTITLEMENT TO THE PRIVILEGES AND IMMUNITIES OF THE POSITION OF AMBASSADOR WHICH DO NOT APPLY TO MINISTERS. FOR INSTANCE, IN THE UNLIKELY EVENT THAT THE GAMBIAN GOVERNMENT TOOK ACTION AGAINST U.S. INDIVIDUAL IN GAMBIA (SUCH AS EXPROPRIATION) WHO THEN SERVED LEGAL PROCESS ON VISITING FON MIN/AMB IN HIS CAPACITY AS FOREIGN MINISTER, IT IS POSSIBLE THAT COURTS COULD FIND THAT BECAUSE OF DUAL NATURE OF ROLE IMMUNITY ACCORDED AMBASSADORS WOULD NOT APPLY IN THIS CASE. QUESTIONS MIGHT ALSO ARISE REGARDING STATUS OF ACCOMPANYING MEMBERS OF FAMILY UNDER GENEVA STANDARDS OF DIPLOMATIC IMMUNITY.

--NEVERTHELESS WE RECOGNIZE THAT GAMBIAN FON MIN/AMBASSADOR'S VISITS TO U.S. WILL NECESSARILY BE BRIEF AND
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 063434

INFREQUENT. OUR RELATIONS WITH THE GAMBIA ARE EXCELLENT, AND THE POLICIES OF THE GOTG ARE NOT LIKELY TO LEAD TO EVENTS DESCRIBED ABOVE. WE ARE PLEASED TO HAVE GAMBIAN AMBASSADOR ACCREDITED TO WASHINGTON, AND WE RESPECT THE REALISTIC AND FRUGAL OUTLOOK OF THE GOTG WHICH LEADS IT TO PROPOSE ACCREDITATION OF A NONRESIDENT AMBASSADOR. WE FEEL OBLIGED TO NOTE THE ABOVE POINTS ONLY FOR THE RECORD.

3. WOULD APPRECIATE ANY GOTG REACTION TO ABOVE POINTS WHICH MIGHT AFFECT OUR ACTION ON AGREEMENT REQUEST. VANCE

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC ACCREDITATION, AMBASSADORS
Control Number: n/a
Copy: SINGLE
Draft Date: 11 mar 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE063434
Document Source: CORE
Document Unique ID: 00
Drafter: DVKILLION:JZ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780110-0130
Format: TEL
From: STATE
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780378/aaaacods.tel
Line Count: 104
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 87c018c9-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: CONFIDENTIAL
Original Handling Restrictions: STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: STADIS
Reference: 78 BANJUL 277, 78 BANJUL 195, 77 STATE 278052
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3359453
Secure: OPEN
Status: NATIVE
Subject: ACCREDITATION OF GAMBIAN AMBASSADOR TO US
TAGS: PDIP, GA, (JABANG, LK)
To: BANJUL DAKAR
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/87c018c9-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014